

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACOB JUAREZ SEGURA,

Petitioner,

v.

JOE A. LIZARRAQA,

Respondent.

No. 1:20-cv-00990-DAD-SKO (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 21)

Petitioner Jacob Juarez Segura is a state prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 28, 2021, the assigned magistrate judge issued findings and recommendations, recommending that the pending petition for habeas relief be denied on the merits. (Doc. No. 21.) Those findings and recommendations were served on all parties and contained notice that any objections thereto were to be filed within thirty (30) days of service. (*Id.*) After having been granted several extensions of time in which to file objections, petitioner filed objections to the pending findings and recommendations on September 22, 2021. (Doc. No. 32.) Therein, petitioner repeats the arguments addressed at length by the assigned magistrate judge. Indeed, petitioner raised fourteen (14) claims in his petition and the findings and recommendations

1 thoroughly addressed each and every one, leading to a seventy-three (73) page order that the  
2 undersigned has carefully reviewed for error. (Doc. No. 21.) For the same reasons discussed in  
3 those pending findings and recommendations, petitioner's objections are not persuasive.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
5 *de novo* review of this case. Having carefully reviewed the entire file, including petitioner's  
6 objections, the court concludes that the findings and recommendations are supported by the  
7 record and proper analysis.

8 Having found that petitioner is not entitled to habeas relief, the court now turns to whether  
9 a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus has no  
10 absolute entitlement to appeal a district court's denial of his petition, and an appeal is only  
11 allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); 28 U.S.C.  
12 § 2253. The court should issue a certificate of appealability if "reasonable jurists could debate  
13 whether (or, for that matter, agree that) the petition should have been resolved in a different  
14 manner or that the issues presented were 'adequate to deserve encouragement to proceed  
15 further.'" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S.  
16 880, 893 & n.4 (1983)). In the present case, the court finds that reasonable jurists would not find  
17 the court's determination that the petition should be dismissed debatable or wrong, or that  
18 petitioner should be allowed to proceed further. Therefore, the court declines to issue a certificate  
19 of appealability.

20 Accordingly,

- 21 1. The findings and recommendations issued on April 28, 2021 (Doc. No. 21) are  
22 adopted in full;
- 23 2. The petition for writ of habeas corpus (Doc. No. 1) is denied;
- 24 3. The court declines to issue a certificate of appealability; and
- 25 4. The Clerk of the Court is directed to close this case.

26 IT IS SO ORDERED.

27 Dated: **November 19, 2021**

28   
UNITED STATES DISTRICT JUDGE